

**MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**June 12, 2023**

**Planning Commissioners Present:** Bill Branigan, Jim Hanselman, Gary East, John Updike, and Marjorie Blom.

**Planning Commissioners Absent:** Bob Berman, and Braulio Escobar (*both excused*).

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, East, Hanselman, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of May 8, 2023.**

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Blom to approve the Planning Commission Work Session meeting minutes of May 8, 2023, as written. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of May 8, 2023.**

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Blom to approve the Planning Commission Regular Session meeting minutes of May 8, 2023, as written. The motion carried unanimously in a voice vote.

C. **Approval of the Planning Commission Work Session Meeting Minutes of May 22, 2023.**

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Blom to approve the Planning Commission Work Session meeting minutes of May 22, 2023, as written. The motion carried unanimously in a voice vote.

3. **Public Comment.** At 7:02 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Branigan, Hanselman, and Updike reported site visits. Branigan called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File 4-CUP-23 / 2-ADJ-23: Conditional Use Permit for Samaritan Drug and Alcohol Rehab Offices.**

Tokos reviewed the staff report and acknowledged the testimony that was received from Susan Hogg. She raised an issue stating that residential units were limited to no more than 15 individual

units. Tokos explained that residential treatment facilities were a function of the city's zoning code, and under state rules, they were allowed to have up to 16 units. He noted they would have to reconcile the difference and he would work the applicant to do this. Under ORS 197.670 the city was required to allow outright residential facilities in zones that allowed multifamily. Whether it was 15 or 16 units, they could work this out with the applicant, and it wasn't a key point of the application. They could do this outright and wouldn't come before the Commission for approval. Tokos reported the part of the application the Commission was reviewing only had to do with the 8,300 square foot addition to the 4,700 square foot building that would be used for counselling support services, outpatient programs and the like.

Uptake thought that given where the trash enclosure was, there would have to be a loop route for the trucks. He wanted to know if the trash enclosure would be 12 feet wide if they approved the application. Tokos reminded it was a 10.5-foot driveway and was directed towards compactors and drop boxes. He didn't think either were proposed here.

Hanselman asked how many fire trucks one hydrant could serve. Tokos didn't know, but he noted that they had a 12-inch main. This was a good water supply, and the fire chief was good with this. Hanselman asked if the Fire Department has signed off on this. He didn't want to see a structure where they could only fight fires on one side. Tokos reported the Fire Department didn't provide comments. He had contacted the Fire Chief and he said he was comfortable with this project as proposed. Their equipment would stage off of NW Biggs Street and they would have sufficient area to get their hoses around the entire building. Hanselman was more concerned about the back of the property. Tokos said it was rare to have access on all four sides and why they needed to look closely at the adjustments. Blom asked if the building would be required to have fire sprinklers. Tokos reported that decision would fall under the building code requirements, not this land use decision.

**Applicants:** Dr. Leslie Ogden, CEO of Samaritan Hospitals, and Teresa Kruse with Clark/Kjos Architects, addressed the Commission. Kruse reported that the delivery driveway on the north side would have a safe buffer from the dog park, and they would be providing a fence along the edge of the property. Kruse reported that they were constrained by the existing building and property line to achieve the 12-foot line through there. This would be a one way only area for trained staff and delivery persons for the kitchen. They didn't expect the public or visitors to go through this area. Kruse noted they would clearly mark the site as one way. She also reported the entry driveway would be clearly marked where the outpatients and residents would be entering the property.

Kruse noted that for R-4 compliance, they were beautifying the neighborhood by adding landscape buffers along Biggs Street. She pointed out that the trash, electrical transformers, and parking would be at the rear of the property. The activities and the recovery services components would be within the building and the new addition. Outdoor components would be in the outdoor activity area, which was completely screened.

Branigan asked how many staff would work at the facility. Ogden reported it was a 24-hour facility and they would have four therapists working during the day and two people working at night. There would also be four peer counsellors, kitchen staff, and some greeters at the front desk. Ogden thought the total would be around 10 to 15 staff. Hanselman asked if this included security. Ogden reported they didn't provide security. The building was secure, and this was a voluntary type of program where everyone signs an agreement that they will follow the rules and regulations, and that they wanted to be a part of the program. Hanselman asked if they had other facilities like this. Ogden said they had an identical facility in Lebanon, Oregon that had been in operation for about five years.

Branigan asked if there was enough parking on the premise for staff, or if they parked on the street. Kruse reported that the parking they provided was calculated by the city requirements. They were required to provide 19 spaces, but they were actually providing 20 onsite. Branigan asked if they would have a fire sprinkler system installed. Kruse reported they would be providing sprinklers as required by the Oregon Structural Specialty Code, so it depended on what was required for the residential use component.

Branigan asked if any MDs would be part of the staff or if it would just be therapists. Ogden reported there would be one medical director who would occasionally come in because he would share the oversight of outpatients of this clinic and the Lebanon clinic. He wouldn't be there on a daily basis but would have the oversight on all the clinical type of things that happened. Branigan questioned if a hospitalist would be required. Ogden reported they wouldn't, because this was a type of facility that wouldn't require a high level of acute care. It would be a residential facility. If they needed a hospital care, this would be taken care of in the hospital. Branigan asked if someone got sick, would they be transported to the hospital. Ogden confirmed they would. If they needed urgent care there would be a transport van to take care of any patients in this manner. Branigan asked if residents would have the ability to have a vehicle on site. Ogden explained that the residents would have an average stay of one to two months, and the length of stay was crafted to the person's needs. They would ask the family members to drop the residents off and they wouldn't have extended vehicles parked there. The only person coming and going would be staff members and outpatients for small classes at various time and days. Branigan asked if the residents were allowed to come and go as they pleased. Ogden reported they would check in and they were there to work on themselves and sobriety. This didn't include leaving the facility until they checked out. The only time they left was in the care of a staff member. This was a locked facility with cameras. It would have a controlled entrance as well. If they chose to leave, they wouldn't belong there and would not stay with them.

Kruse reported they had been in contact with the Fire Department concerning the access. They discussed how the fire trucks could come in through the back of the building, and their hoses could reach all four sides.

Hanselman noted they indicated the facility would be open from 8:30 a.m. to 8:30 p.m. with some outpatient counselling. He asked if that meant that the outpatient counselling would start or end at 8:30 p.m. Ogden said it depended on the day and when they could accommodate the people's schedules. Everything would be completed, and it would just be residential after 8:30 p.m. Hanselman asked about the note that they might add a 7 a.m. outpatient time. Ogden reported this was for the workers, and they would need to know there were people who needed this first. It wasn't a part of their current operations, but they added it to the application in case they needed it down the road.

Hanselman asked if their other facilities had ever had police called to them. Ogden reported they didn't have any calls to the Lebanon facility. Hanselman asked if they restricted visitations. Ogden reported it was restricted to half of the residents being able to have a two-hour visitation period on Saturdays and the other half of residents could have visits for two hours on Sundays. Hanselman was concerned about the people that had relationships with the residents who were substance abusers and were a difficult population to deal with. He questioned if these people liked to show up at the facilities. Ogden said they tried to carefully screen each visitor before they arrived. The people who weren't abiding by the rules were not welcome.

Kruse reviewed the image of the facilities. She noted how the two story addition would keep to the look and feel of the neighborhood. Kruse noted they wouldn't be adding a free-standing sign. They were only adding what was minimally required by the Fire Marshal to identify the property address. would be at the entrance. The signage for Samaritan Pacific Communities Health Services would be at the entry area where there was a canopy. This would be kept to the residential scale. Kruse then showed an image of how the internal area would be enclosed by the building.

Hanselman asked about turnover of staff and if full employment has been reached at the hospital. He expressed concerns on if Samaritan could staff the facility regularly with qualified people, and asked if they had concerns on this. Ogden reported they had plans for this. From a restriction and staffing standpoint, during COVID they learned to admit based on staffing levels. If they didn't have staff for 16 inpatients, they wouldn't admit 16 patients. Ogden expected that as they started up, they wouldn't start with a full staff and would see some difficulties with some workforce issues. In order to attract the people, they needed they would start early and do their best. Ogden reported they had a low turnover rate at the hospital, which was lower than the national average. Hanselman asked if Samaritan would stand by those rules to only hold as many patients that they had staff to accommodate. Ogden reported it was correct and was how they ran their hospital as well.

Blom asked if the sign would be in the back of the property. Kruse said it would be more towards the front door and they were planning on signage that was only required by the Fire Marshal. Tokos noted they would also have a small freestanding sign for the delivery only.

**Proponents:** Lonnie Martinez address the Commission. He stated he was a volunteer for the Lincoln County Jail and a member of the Specialty Treatment Court Advisory Board, the Newport Police Advisory Committee and a member of the Coast to Cascades Community Wellness Network. Martinez was excited for the outpatient treatment facility and asked the Commission to approve the request. He reported how his spouse had gone in and out of facilities for four years, and he was also a member of the recovering community with 13 years of recovery. He gave statistics on the number of Oregon residents who had alcohol and substance use disorders. Oregon ranked last in the country for access to treatment. Martinez asked for approval of the request in order to carry out the business of changing people's lives.

Brian and Linda Haggerty addressed the Commission. They were in favor of the project. Brian noted that they had attended the neighborhood meeting and were impressed at the attractiveness of the facility and the depth of planning that had gone into making sure that this was going to be a working facility. They felt the overall infrastructure needed for the facility would be a net positive for the neighborhood and street, along with the wastewater lines. Linda asked if the applicants planned for traffic calming on 58th Street to make sure traffic kept their speed down. She wanted a 4-way stop sign to be added at 50th and Biggs Streets. Linda didn't think the neighbors would notice the facility much and thought that people needed their help. She pointed out that the building was already set up for this use.

Cheryl Blank addressed the Commission. She stated she lived close to the facility and worked for the hospital. She was excited for the facility and felt it was important for it to open because of the lives that had already been lost. Blank thought these programs were important, and that the facility would enhance the neighborhood. She felt it would create a safety net for the neighborhood as well as enhance it. Blank explained that she was going back to school to be a part of this project. They needed to bring all those that were hurting back to life, and she was in support of this.

**Opponents:** Joe Wade addressed the Commission. He said he was concerned about the project but not necessarily an opponent of it. Wade reported that he lived close to the facility and was

concerned about the increase to traffic. The handout Samaritan had shared said they were looking forward to 600 people visiting a year. He had experienced speeding traffic in the area and thought that if the classes started at 7:30 a.m. they would happen while kids would be waiting at the bus stop. Wade said there was no stop sign there and he was concerned about the increase of traffic. There were no sidewalks and kids were walking on the streets. Wade was concerned about how the neighborhood could absorb this safely.

Laura Ehret noted her property was behind the facility and the facility would be creating light pollution over the fence into her bedroom. She reported that she hadn't received notification from Samaritan for their open house. Ehret reported that her concerns for the criteria for NMC 14.34.050 concerned traffic, water, sewer and security. She thought that medical office service staff vehicles and added traffic would be going to the neighborhood's street where children, adults, seniors and pets walked. Ehret reported that Biggs and 58th Streets had no stop signs, and the city refused to add them. This would make the traffic even more threatening to their population. Ehret's objections weren't for the inpatient facility, but the office building being placed in their neighborhood. She felt this would bring in additional traffic from unwanted visitors and staff. Ehret pointed out that this wasn't a commercial area but a residential zone. She noted that the neighborhood had a historically vulnerable water and sewer system. What she was hearing was that they would be extending the sewer instead of fixing it. Ehret thought Samaritan had saved a lot of money by buying in a low income/middle income area rather than buying in a commercial area. She thought that a commercial area was where this should have been located. Ehret thought Samaritan should be more helpful to the improvement of the water and sewer system. She reported that the fire hydrant was in her front yard and the water pressure was low. The security of the outpatient facility would mean that people would be trying to visit and would stay in the neighborhood. Ehret thought a remedy for traffic and congestion could be to establish a shuttle from Fred Meyers and have it driven by a local person who had interest in preserving safety. There were existing outpatient facilities who offered outpatient services through the Newport Center for Health Education and Lincoln Community Health Center. Ehret thought the Lincoln County addiction treatment facility would be better served by improving its quality rather than building another building.

Rick Wright addressed the Commission. He thought the fire hydrant issue could be solved by adding a condition to have them put in a private hydrant. Wright was concerned about the traffic on Biggs Street. There was no drainage on either side of the road. Wright asked where that would be placed and where would the water go. He noted that if this was a bare lot and developed today, perhaps that whole street would have to be at least paved with a curb and sidewalk for at least two thirds of it. Wright thought the infrastructure, roadways, and sidewalks were a major concern.

**Rebuttal:** Ogden clarified that Samaritan wasn't the owner of the property. It was publicly owned by the Pacific Communities Health District. Ogden reported they had worked on the light pollution to direct the lights downward, not outward. They tried to meet with all the owners and apologized for those they missed. Ogden thought they needed to do more work to reach out to those they didn't reach, and they were trying hard to be a good neighbor. She reported they wanted to make sure the fence was a privacy fence, and the entire facility was well contained so it was better than what was there in the past.

Kruse noted the lights were nighttime light compliant. The 6-foot fence would be located on the facility's property. Kruse noted the roadway on Biggs Street was a low volume street. The profiles on that street had a 20-foot paved roadway with four-foot ditches on both sides. This was well within Newport standards. Tokos confirmed it was consistent with a low volume street cross section they had included in the new Transportation System Plan. He noted it looked like the street

centerline was more or less in the middle of the 50 foot right of way, and there would be swales on either side. That would then direct the runoff north to a structured drainage system that could be changed to a fully structured stormwater management system based on recommendations from a geotechnical engineer with respect to the stop signs on Biggs Street. The stop signs on Biggs Street would need to be assessed by the Public Works Engineer to see if it was warranted. Tokos expected that they would look at this as part of the street improvements. Hanselman asked if this was the same as speed bumps. Tokos said they could include a recommendation that this had been assessed as to whether it was a viable option with the improvements. Blom asked if there were any rules on where the bus stops could be. Tokos said this wasn't regulated under the transportation standards.

Linda Haggerty asked that if the city didn't approve the stop sign could the owners put them up themselves. Branigan said they couldn't and would need to go to a City Council meeting to request that engineering to look at it.

Chair Branigan closed the hearing at 8:20 p.m.

Blom thought most of her questions were answered regarding stop signs, speed bumps, the adequacy of stormwater mitigation in the right of way, and the water line extension. She also saw that the requirements of geotechnical report were in process. Blom felt the questions on the sprinklers and the signage were also answered. She would wait to hear how the other Commissioners were leaning before making her decision.

Udike thought his questions had been answered. He was comfortable moving this forward. Udike thought they should add that the traffic mitigation be assessed along with warrants for traffic control signage. He wanted to adhere to the street standards but if that wasn't a part of the standard for this type of street, that was the way it would be.

Hanselman thanked everyone who spoke. He thought it was good to see people attend the meetings. Those who presented in opposition had presented clearly. Hanselman appreciated the proponent's clear message as well. He was pleased they saw the need for this service. Hanselman believed the traffic was a legitimate concern for the neighborhood. There needed to be a discussion about calming traffic and storm runoff. Samaritan convinced him that the security of the facility would be okay. Hanselman wanted to see Samaritan take positive steps to manage the people they were inviting into the neighborhood.

East agreed that this was something the community needed. It was important for the neighborhood to have safety. East asked that they make sure as part of their inpatient and outpatient classes to stress that they were in a neighborhood and to be aware it was where kids would be picked up and to be cautious. He felt the concerns about water runoff had been addressed. East recommended they send this to Engineering to look at the stop signs and speed bumps. He wanted to move this forward with an approval.

Branigan thought the conditions for the Condition Use Permit had been addressed and satisfied. He felt traffic mitigation needed to be done in this residential neighborhood. Branigan thought the applicants submitted a detailed application and all the concerns had been addressed. He was in favor.

Hanselman questioned how they could add a condition for traffic contingencies to the approval. Tokos suggested adding a condition of approval requiring traffic control and calming measures be assessed as part of the Bigg Street improvements.

**MOTION** was made by Commissioner Hanselman, seconded by Commissioner Updike to approve File 4-CUP-23 / 2-ADJ-23 with an additional condition of approval to require traffic control and calming measures be assessed as part of the Bigg Street improvements. The motion carried unanimously in a voice vote.

**B. File 2-VAR-23: Sign Variance for Port of Newport, Port Dock 1, on Behalf of the Newport Sea Lion Foundation.**

Tokos gave his staff report and showed the example of the design of the sign. Branigan asked if Clearwater Restaurant had any issues with the sign. Janelle Gopen with Clearwater reported they didn't. Updike asked what material the sign was made of. Tokos said he would let the applicant speak to this.

**Applicant:** Aaron Bretz, Director of Operations at the Port of Newport addressed the Commission. He reported that the Port was the applicant because the sign would be on their property. The Sea Lion Foundation had completed most of the work already. Bretz thought the sign was more artistic than it was functional. It would be placed perpendicular to the right of way. There had been signs placed there before to alert people about the Foundation, but they hadn't been aesthetically pleasing. This sign didn't obstruct the view and made it cleaner.

Branigan asked if the fishermen had any objections to the sign. Bretz reported this application was for the sign and wasn't about the fishermen supporting the Foundation's cause. East asked how the process of building the new sea lion docks was going. Bretz reported that this was the Foundation's project.

Janell Gopen, with Clearwater Restaurant, and Camille Fournier, with the Sea Lion Foundation addressed the Commission. Gopen reported she didn't know what the specific materials of the sign were. Tokos reported it was a laminated sign material. Branigan asked if they were worried about the sign in the wind. Gopen reported it was very secure and shouldn't move. East asked if it would have four panels. Gopen reported it had three panels. Fournier noted this was a project they were working on with Discover Newport.

No proponents or opponents were present.

Chair Branigan closed the hearing at 8:44 p.m.

East thought this was a good idea and that it looked nice. Updike, Hanselman, and Blom were in support of it. Branigan liked the mural and thought it would add to it.

**MOTION** was made by Commissioner Blom, seconded by Commissioner East to approve File 2-VAR-23 with the staff recommendations. The motion carried unanimously in a voice vote.

**C. File 6-Z-22: Amendments to NMC Chapter 14.11 Related to Multi-Family/Commercial Trash Enclosure Standards.**

Tokos reviewed the staff report. Amy and Rob Thompson with Thompsons Sanitary Services addressed the Commission. They thanked the staff and Commission and noted that they thought this would help to the community and be a great improvement.

Hanselman thanked Thompsons for their guidance. He liked their openness to working with problematic developments. Amy noted that they had added in the text that Thompsons could be contacted to help do waste audits and add signage.

No proponents or opponents were present.

Chair Branigan closed the hearing at 8:51 p.m.

Blom, Hanselman, and East were in support. Updike was also in support and thanked Thompsons for their input. Branigan was in favor of the amendments.

**MOTION** was made by Commissioner Blom, seconded by Commissioner East to recommend File 6-Z-22 to the City Council. The motion carried unanimously in a voice vote.

4. **Action Items.** None were heard.

5. **Public Hearings.** None were heard.

6. **New Business.** None were heard.

7. **Unfinished Business.** None were heard.

8. **Director Comments.** Tokos noted the updated work program was included in the work session agenda. A variance would be coming the Commission soon. Tokos reported that the trash enclosure amendments were timely because the city could have a pre application meeting in the coming week for a 60 to 75 apartment complex on SE 35th Street. He also noted that OSU received their funding for their 75-unit housing development. The city was also in discussion about the final phase of the Wyndhaven apartment development at 36th and Harney Street. Tokos reported the Housing Authority in Lincoln County was working to liquidate their single-family detached type assets to create more funds to do some new affordable housing. He also noted that Wilder had about half of their 26-unit development under construction.

9. **Adjournment.** Having no further business, the meeting adjourned at 8:58 p.m.

Respectfully submitted,



Sherri Marineau  
Executive Assistant